

110TH CONGRESS  
1ST SESSION

# H. R. 970

To amend the Federal Food, Drug, and Cosmetic Act with respect to the distribution of the drug dextromethorphan, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 2007

Mr. UPTON (for himself and Mr. LARSEN of Washington) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend the Federal Food, Drug, and Cosmetic Act with respect to the distribution of the drug dextromethorphan, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Dextromethorphan  
5       Distribution Act of 2007”.

6       **SEC. 2. RESTRICTIONS ON DISTRIBUTION OF BULK**  
7       **DEXTROMETHORPHAN.**

8       The Federal Food, Drug, and Cosmetic Act (21  
9       U.S.C. 321 et seq.) is amended—

1 (1) in section 501, by inserting at the end the  
2 following:

3 “(j) If it is unfinished dextromethophan and is pos-  
4 sessed, received, or distributed in violation of section  
5 506D.”; and

6 (2) by inserting after section 506C the fol-  
7 lowing:

8 **“SEC. 506D. RESTRICTIONS ON DISTRIBUTION OF BULK**  
9 **DEXTROMETHORPHAN.**

10 “(a) RESTRICTIONS.—No person shall—

11 “(1) possess or receive unfinished dextrometh-  
12 orphan, unless the person is registered under section  
13 510; or

14 “(2) distribute unfinished dextromethorphan to  
15 any person other than a person registered under sec-  
16 tion 510.

17 “(b) EXCEPTION FOR COMMON CARRIERS.—This  
18 section does not apply to a common carrier that possesses,  
19 receives, or distributes unfinished dextromethorphan for  
20 purposes of distributing such unfinished dextrometh-  
21 orphan between persons registered under section 510.

22 “(c) DEFINITIONS.—In this section:

23 “(1) The term ‘common carrier’ means any per-  
24 son that holds itself out to the general public as a  
25 provider for hire of the transportation by water,

1 land, or air of merchandise, whether or not the per-  
2 son actually operates the vessel, vehicle, or aircraft  
3 by which the transportation is provided, between a  
4 port or place and a port or place in the United  
5 States.

6 “(2) The term ‘unfinished dextromethorphan’  
7 means dextromethorphan that is not contained in a  
8 drug that is in finished dosage form.”.

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